

PATENT
Attorney Docket No. 03-1018

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:)
Craig L. Reding et al.) Group Art Unit: 2617
Serial No.: 10/720,970) Examiner: H. Phan
Filed: November 24, 2003)
For: METHODS AND SYSTEMS FOR)
AUTOMATIC COMMUNICATION)
LINE MANAGEMENT BASED ON)
DEVICE LOCATION)

APPEAL BRIEF

U.S. Patent and Trademark Office
Customer Window, Mail Stop Appeal Brief – Patents
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

This Appeal Brief is submitted in response to the Final rejection mailed June 26, 2006,
and in support of the Notice of Appeal filed November 27, 2006.

I. **REAL PARTY IN INTEREST**

The real party in interest in this appeal is Verizon Communications Inc.

II. **RELATED APPEALS AND INTERFERENCES**

Appellants are unaware of any related appeals, interferences or judicial proceedings.

III. STATUS OF CLAIMS

Claims 1, 2, 4-6, 8-16 and 18-22 are pending in this application. Claims 1, 2, 4-6, 8-16 and 18-22 have been rejected. Claims 3, 7 and 17 were previously canceled without prejudice or disclaimer. Claims 1, 2, 4-6, 8-16 and 18-22 are the subject of the present appeal.

IV. STATUS OF AMENDMENTS

An After Final Amendment was filed on August 23, 2006 to change the dependency of claim 19 to correct a minor error with respect to the dependency of claim 19. That is, Appellants proposed amending claim 19 to have it depend on claim 18, as opposed to canceled claim 17. An Advisory Action mailed September 7, 2006 indicates that the After Final Amendment would be not be entered for purposes of Appeal. Appellants again respectfully request that the After Final Amendment filed on August 23, 2006 be entered since the change should not raise any new issues or require further consideration/search. As such, for purposes of this Appeal, Appellants will assume that the After Final Amendment filed on August 23, 2006 will be entered with the filing of this Appeal Brief and the objection to claim 19 included in the Final Office Action will not be addressed herein. In addition, the Appendix to this Appeal Brief shows claim 19 as if the After Final Amendment previously filed will be entered.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Each of the independent claims involved in this appeal is recited below, followed in parenthesis by examples of where support can be found in the specification and drawings for the claimed subject matter. In addition, each dependent claim argued separately below is also

summarized in a similar manner.

Claim 1 recites: A method for managing calls directed to a plurality of communications devices associated with a user, comprising: receiving user-defined preferences regarding handling of calls directed to the plurality of communications devices (e.g., page 29, lines 7-22; page 31, lines 10-19; page 32, lines 3-6; page 33, lines 7-21 and Figs. 6-8); storing the user-defined preferences (e.g., page 31, lines 1-4; and page 32, lines 17-19); receiving an indication that a first one of the communications devices has moved within wireless communication range of a terminal (e.g., page 34, line 12 to page 35, line 2 and Fig. 9, S902); and forwarding calls intended for at least two of the communications devices to a second one of the communications devices in response to receipt of the indication and based on the user-defined preferences (e.g., page 33, lines 7-21 and Fig. 8).

Claim 4 recites: A method as recited in claim 1, further comprising: receiving a second indication that the first communications device has moved outside of wireless communication range of the terminal (e.g., page 37, lines 1-7 and Fig. 9, S920); and terminating the forwarding of calls to the second communications device in response to receipt of the second indication (e.g., page 37, lines 8-11); and forwarding calls intended for at least two of the communications devices to the first communications device in response to receipt of the second indication (e.g., page 37, lines 11-18 and Fig. 9, S924).

Claim 11 recites: A system for managing a plurality of communications devices

associated with a user, comprising: at least one processor (e.g., Fig. 5, digital companion (DC) server 406) configured to: receive user-defined preferences regarding handling of calls directed to each of the communications devices (e.g., page 29, lines 7-22; page 31, lines 10-19; page 32, lines 3-6; page 33, lines 7-21 and Figs. 6-8), store the user-defined preferences (e.g., page 31, lines 1-4; and page 32, lines 17-19), receive an indication regarding wireless communications between a first communications device and a second communications device (e.g., page 34, line 12 to page 35, line 2 and Fig. 9, S902), and forward calls intended for at least two of the communications devices to a third communications device in response to receipt of the indication (e.g., page 33, lines 7-21; and Fig. 8).

Claim 14 recites: A system as recited in claim 11, wherein the at least one processor is further configured to: receive a second indication that the first communications device has moved outside of wireless communication range of the second communications device (e.g., page 37, lines 1-7 and Fig. 9, S920), terminate the forwarding of calls intended for the at least two of the communications devices to the third communications device in response to receipt of the second indication (e.g., page 37, lines 8-11), and forward calls intended for the at least two of the communications devices to the first communications device in response to receipt of the second indication (e.g., page 37, lines 11-18 and Fig. 9, S924).

Claim 16 recites: A system as recited in claim 11, wherein the user defined preferences include a preference indicating that calls intended for at least the third communications device and a fourth communications device are to be forwarded to the first communications device

when the first communications device is not within wireless communication range of the second communications device (e.g., page 37, lines 14-18).

Claim 21 recites: A system for managing calls directed to a plurality of communications devices associated with a user of a communications network, comprising: means for receiving user-defined preferences regarding handling of calls directed to the plurality of communications devices; means for receiving an indication regarding wireless communications between a first communications device and a second communications device (e.g., Fig. 5, DC server 406; page 29, lines 7-22; page 31, lines 10-19; page 32, lines 3-6; page 33, lines 7-21 and Figs. 6-8); means for forwarding calls intended for at least two of the communications devices to a third communications device when the indication indicates that the first communications device is within range of the second communications device (e.g., Fig. 5, DC server 406; page 34, line 12 to page 35, line 2); and means for forwarding calls intended for at least two of the communications devices to the first communications device when the indication indicates that the first communications device is not within range of the second communications device (e.g., Fig. 5, DC server 406; page 37, lines 11-18 and Fig. 9, S924).

Claim 22 recites: A computer-readable medium containing instructions for performing a method for managing calls directed to one or more communications devices associated with a user of a communications network, comprising: receiving user-defined preferences regarding handling of calls directed to at least one of the communications devices (e.g., page 29, lines 7-22; page 31, lines 10-19; page 32, lines 3-6; page 33, lines 7-21 and Figs. 6-8); storing the user

defined preferences (e.g., page 31, lines 1-4; and page 32, lines 17-19); receiving an indication regarding wireless communications between a first communications device and a second communications device(e.g., page 34, line 12 to page 35, line 2 and Fig. 9, S902); forwarding calls intended for at least two of the communications devices to a third communications device when the indication indicates that the first communications device is within range of the second communications device (e.g., page 33, lines 7-21 and Fig. 8); and forwarding calls intended for the third communications device to the first communications device when the indication indicates that the first communications device is not within range of the second communications device (page 37, lines 11-18 and Fig. 9, S924).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- A. Claims 1, 11, 21 and 22 have been rejected under 35 U.S.C. § 112, first paragraph.
- B. Claims 1, 11, 21 and 22 have been rejected under 35 U.S.C. § 112, second paragraph.
- C. Claims 1, 2, 4-6, 8-16 and 18-22 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Holloway et al. (U.S. Patent Application Publication No. 2003/0092451; hereinafter Holloway).

VII. ARGUMENT

A. Rejection under 35 U.S.C. § 112, first paragraph

1. Claims 1 and 11

Claim 1 recites a method for managing calls directed to a plurality of communications devices associated with a user, comprising: receiving user-defined preferences regarding

handling of calls directed to the plurality of communications devices; storing the user-defined preferences; receiving an indication that a first one of the communications devices has moved within wireless communication range of a terminal; and forwarding calls intended for at least two of the communications devices to a second one of the communications devices in response to receipt of the indication and based on the user-defined preferences.

The Final Office Action states that the features of receiving user-defined preferences regarding handling of calls directed to the plurality of communications devices; storing the user-defined preferences; and forwarding calls intended for at least two of the communications devices to a second one of the communications devices in response to receipt of the indication and based on the user-defined preferences each constitute matter not supported by Appellants' specification (Final Office Action – pages 3-4). Appellants respectfully disagree.

The first feature allegedly not supported by Appellants' disclosure is "receiving user-defined preferences regarding handling of calls directed to the plurality of communications devices and storing the user-defined preferences." Support for this feature is given, for example, at paragraph 87-97 on pages 29-33. More particularly, Appellants' disclosure at paragraph 87 states that the "user may be able to register, for example, using the DC client application or browser, one or more communications devices (e.g., phones, wireless PDAs, computers, etc.) with digital companion server(s) 406. This list of devices will be referred to as the user's device profile ...". Appellants' disclosure at paragraph 93 also discloses that a user may elect to activate call forwarding for one of more of the user's communications devices by electing to activate call forwarding via link 604, as illustrated in Fig. 6. Appellants' disclosure at paragraph 94 further discloses that the user may also select a number to which calls are to be forwarded via

screen 700 illustrated in Fig. 7. As further disclosed at paragraph 97, the user may also be presented with various call forwarding options via screen 800 illustrated in Fig. 8, which allows the user to select particular call forwarding preferences for a number of the user's devices by selecting one of boxes 802, 804, 806, 808, 810 or 812 (See Fig. 8).

Therefore, the feature of receiving user-defined preferences regarding handling of calls directed to the plurality of communications devices is clearly supported by Appellants' disclosure.

The second feature allegedly not supported is "storing the user-defined preferences." Appellants assert that this feature is also clearly supported by Appellants' disclosure. For example, paragraph 91 at page 31 states that once the user enters the information (e.g., device profile), the user may elect to save the information. In response, use terminal 112_A may forward the information to digital companion servers 406 for storage in database 522. Appellants specification at paragraph 95 on page 32 also states that once the user has selected the device to which they desire to have calls forwarded, "the user may click on an activate button 706 to have their changes saved so that the desired call forwarding is implemented." Therefore, the feature of storing the user-defined preferences is clearly supported by Appellants disclosure.

The third feature allegedly not supported is "forwarding calls intended for at least two of the communications devices to a second one of the communications devices in response to receipt of the indication and based on the user-defined preferences." Appellants first note that the other feature of claim 1 (i.e., "receiving an indication that a first one of the communications devices has moved within wireless communication range of a terminal") is supported by Appellants' disclosure at, for example, paragraphs 100-101 at pages 34-35. The further feature

of forwarding calls intended for at least two of the communications devices to a second one of the communications devices in response to receipt of the indication and based on the user-defined preferences is supported at, for example, paragraph 97 on page 33 and Fig. 8. More particularly, paragraph 97 at lines 4-8 clearly discloses that a user may select box 802 (Fig. 8) to forward all calls directed to any of the user's devices to the user's office phone 602 whenever the user's Bluetooth-enabled wireless phone comes within the vicinity of user terminal 112_A. Paragraph 97 at lines 10-15 discloses that the user may select box 806 to individually select devices for which calls are forwarded to the office phone when the Bluetooth-enabled device is within the vicinity of user terminal 112_A. Therefore, this feature of claim 1, which recites forwarding calls intended for at least two of the communications devices to a second one of the communications devices (of the plurality of communications devices associated with a user) in response to receipt of the indication (that a first one of the communications devices has moved within wireless communication range of a terminal) is clearly supported by Appellants' original disclosure.

In response to similar arguments made in the After Final Amendment filed August 23, 2006, the Advisory Action points out that the user may select box 802 to forward calls to any of the user's devices to the user's office phone 602 whenever the user's Bluetooth-enabled phone comes within the vicinity of user terminal 112_A and that box 806 allows the user to automatically forward calls for selected devices to office phone 602 when the Bluetooth device is within the vicinity of user terminal 112_A. The Advisory Action then states that based on this disclosure, the claimed feature of forwarding calls intended for at least two of the communications devices to a second one of the communication devices is not supported by

Appellants' disclosure (Advisory Action – Continuation sheet, paragraph a). Appellants respectfully disagree with the Examiner's interpretation and conclusion and assert that the portion of Appellants' disclosure to which the Examiner is pointing clearly supports the claimed feature.

For example, assume that the user's Bluetooth-enabled phone is the first communication device of claim 1 and that the user also has a home phone and another phone with the number (808) 555-1234, as illustrated in Fig. 6. In this example, the home phone and the phone with the 808-555-1234 number may correspond to the at least two of the communications devices of claim 1. Therefore, if the user selects these two phones via box 806 in Fig. 8 (to forward calls from selected devices) or selects box 802 in Fig. 8 (to forward all calls to any of the user's devices), calls intended for these two devices (i.e., home phone and 808-555-1234 phone) will be forwarded to the Office Phone (i.e., the second one of the communication devices of claim 1) in response to receipt of the indication that the Bluetooth-enabled phone (i.e., the first one of the communications devices of claim 1) has moved within the vicinity of the user terminal 112_A.

Based on the discussion above, Appellants submit that all the features of claim 1 are clearly supported by Appellants' original disclosure.

Claim 11 recites features similar to, but of different scope than claim 1. Each of the features of claim 11 is also supported by Appellants' disclosure for similar reasons.

For at least these reasons, Appellants respectfully submit that the imposed rejection of claims 1 and 11 under 35 U.S.C. § 112, first paragraph is improper. Accordingly, reversal of the rejection of claims 1 and 11 under 35 U.S.C. § 112, is respectfully requested.

2. Claims 21 and 22

The Final Office Action states that claims 21 and 22 include features similar to claim 1 along with the added feature of forwarding calls intended for at least two of the communications devices to a third communications device when the indication indicates that the first communications device is within range of the second communications device. The Final Office Action states that this feature is also not supported by Appellants' disclosure (Final Office Action – page 4). Appellants respectfully disagree.

Appellants disclosure at, for example, paragraph 109 on page 37 discloses that if the digital companion (DC) client determines that the Bluetooth-enabled wireless phone moves out of range of user terminal 112_A, the DC client application sends an instruction signal to DC server 406 instructing that the forward-to device be changed to the Bluetooth-enabled wireless phone. Paragraph 109 at lines 9-11 of Appellants' disclosure also states that the user "may select that calls for all of the user's devices, only calls to the office phone, or calls to a subset of the user's devices be forwarded to the Bluetooth-enabled wireless phone." This feature is also supported by Fig. 8 at boxes 810 and 812 which shows that the user may select either of these boxes to forward calls to the Bluetooth-enabled device if the Bluetooth-enabled device leaves the vicinity of user terminal 112_A.

To further illustrate that the features of claims 21 and 22 are supported by Appellants' disclosure, assume that the user's Bluetooth-enabled phone is the first communications device of claim 1 and that user terminal 112_A is the second communications device of claim 21. Further assume that the user also has a home phone and another phone with the number (808) 555-1234, as illustrated in Fig. 6. In this example, the home phone and the phone with the 808-555-1234

number may correspond to the at least two of the communications devices of claim 21. Therefore, when the Bluetooth-enabled phone (the first communications device) is within the vicinity of the user terminal 112_A (the second communication device), calls intended for the user's home phone and the 808-555-1234 phone (the at least two of the communications devices) will be forwarded to the Office Phone (i.e., the third communication devices of claim 1). When the Bluetooth enabled phone moves out of the vicinity of the user terminal 112_A (the second communications device), calls intended for the user's home phone and the 808-555-1234 phone may be forwarded to the Bluetooth-enabled device (the first communications device).

For at least these reasons, Appellants respectfully submit that the imposed rejection of claims 21 and 22 under 35 U.S.C. § 112, first paragraph is improper. Accordingly, reversal of the rejection of claims 21 and 22 under 35 U.S.C. § 112, is respectfully requested.

B. Rejection under 35 U.S.C. § 112, second paragraph

1. Claims 1 and 11

As to claims 1 and 11, the Final Office Action states that it is unclear whether the feature of "forwarding calls intended for at least two of the communications devices to a second one of the communications devices in response to receipt of the indication and based on the user-defined preferences" (recited in claim 1) is referring to the same calls being forwarded from two different communication devices (Final Office Action – pages 4-5). The Final Office Action also states that it is impossible for the same call to be forwarded from the two different communications devices to a particular communications device at exactly the same time (Final Office Action – page 5).

Claim 1 recites forwarding calls intended for at least two of the communications devices to a second one of the communication devices. Claim 1 does not recite that the “calls” intended for at least two of the communications devices are the same call. The Examiner appears to be reading a limitation into claim 1 that would allegedly render the claim indefinite. Such a feature, however, is not recited in claim 1. In addition, claim 1 includes no recitation indicating that the calls are forwarded at exactly the same time, as alleged in the Final Office Action. Again, the Examiner appears to be reading a limitation into claim 1 that does not exist.

Appellants respectfully assert that claim 1 clearly recites that the calls are merely a number of calls intended for the claimed communications devices and that this claim meets all the requirements of 35 U.S.C. § 112, second paragraph. Claim 11 recites a similar feature and Appellants assert that claim 11 meets all the requirements of 35 U.S.C. § 112, second paragraph for similar reasons.

For at least these reasons, Appellants respectfully submit that the imposed rejection of claims 1 and 11 under 35 U.S.C. § 112, second paragraph is improper. Accordingly, reversal of the rejection of claims 1 and 11 under 35 U.S.C. § 112, second paragraph is respectfully requested.

2. Claims 21 and 22

As to claims 21 and 22, the Final Office Action states the feature of “forwarding calls intended for at least two of the communications devices to a third communications device when the indication indicates that the first communications device is within range of the second communications device” is also unclear for similar reasons as those discussed above with respect

to claim 1. Similar to the discussion above with respect to claim 1, claims 21 and 22 do not recite that the calls are the same call or that the calls are forwarded at exactly the same time. Again, the Examiner appears to be reading limitations into claims 21 and 22 that simply do not exist. Appellants respectfully assert that claims 21 and 22 clearly recites that the calls recited in claims 21 and 22 are merely a number of calls intended for the claimed communications devices and that these claims meet all the requirements of 35 U.S.C. § 112, second paragraph.

For at least these reasons, Appellants respectfully submit that the imposed rejection of claims 21 and 22 under 35 U.S.C. § 112, second paragraph is improper. Accordingly, reversal of the rejection of claims 21 and 22 under 35 U.S.C. § 112, second paragraph is respectfully requested.

C. Rejection under 35 U.S.C. 102 based on Holloway

1. Claims 1, 2, 5, 6, 8-10

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention always rests upon the Examiner. In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). A proper rejection under 35 U.S.C. § 102 requires that a single reference teaches every element set forth in the claim, either expressly or inherently. See M.P.E.P. § 2131.

With these principles in mind, claim 1 recites receiving user-defined preferences regarding handling of calls directed to the plurality of communications devices and storing the user-defined preferences. Claim 1 also recites receiving an indication that a first one of the communications devices has moved within wireless communication range of a terminal and forwarding calls intended for at least two of the communications devices to a second one of the

communications devices in response to receipt of the indication and based on the user-defined preferences. The Final Office Action states that Holloway discloses this latter feature and points to paragraph 17 and portions of Fig. 2, for support (Final Office Action – page 7). Appellants respectfully disagree.

Holloway at paragraph 17 discloses that when mobile phone 230 comes within range of transmitter 220, mobile phone 230 may receive a signal from transmitter 220 and send an overhead message to cellular system 210 requesting that calls to mobile phone 230 be forwarded to preferred phone 240. Holloway discloses similar processing with respect to preferred phone 540, which may be a phone installed in the user's automobile (Holloway – paragraph 19 and Fig. 5). That is, Holloway discloses that calls for mobile phone 230 may be passed to preferred phone 540 when mobile phone 230 is within range of transmitter 220 (Holloway – paragraph 20). Holloway, however, does not disclose or suggest forwarding calls intended for at least two communications devices to preferred phone 240/540 of Holloway in response to receipt of an indication that mobile phone 230 is within range of transmitter 220 and based on user-defined preferences, as would be required by claim 1 (based on the alleged equivalence of mobile phone 230 to the claimed first one of the communications devices).

Appellants further note that Holloway at paragraph 22 discloses that a single transmitter can be programmed to recognize different mobile phones associated with it and to transfer each mobile phone to a different extension. This portion of Holloway, however, clearly does not disclose or suggest forwarding calls intended for at least two of the communications devices to a second one of the communications devices in response to receipt of the indication and based on the user-defined preferences, as recited in claim 1. In contrast, this portion of Holloway merely

discloses transferring calls from each different mobile phone to a different extension.

In response to similar arguments made in the After Final Amendment filed August 23, 2006, the Advisory Action states that Holloway discloses that when mobile phone 230 comes within range of transmitter 220, mobile phone 230 sends an overhead message to cellular system 210 requesting forwarding of calls to preferred phone 240 (Advisory Action – continuation page, paragraph c). This statement in the Advisory Action, however, does not address the features recited in claim 1. That is, claim 1 recites forwarding calls intended for at least two of the communications devices to a second one of the communications devices in response to receipt of the indication and based on the user-defined preferences. Holloway, as discussed above, does not disclose this feature.

For at least these reasons, Holloway does not disclose each of the features of claim 1. Accordingly, Appellants respectfully submit that the imposed rejection of claim 1 under 35 U.S.C. § 102 based on Holloway is improper.

In addition, Appellants assert that it would not have been obvious to one of ordinary skill in the art to modify Holloway to include the features discussed above. For example, Holloway is clearly directed to forwarding calls intended for a single mobile phone 230 to a preferred phone when mobile phone 230 is within range of transmitter 220. Holloway does not suggest any desire or need to forward calls intended for multiple devices to a preferred phone in response to receipt of an indication that one device is within wireless range of transmitter 220. That is, Holloway is clearly directed to a simple forwarding scheme in which calls from one phone are forwarded to another phone and is not related to managing calls directed to a plurality of communications devices in the manner recited in claim 1. Therefore, it would not have been

obvious to modify Holloway to include the features recited in claim 1 without the benefit of Appellants' disclosure.

For at least these reasons, reversal of the rejection of claims 1, 2, 5, 6 and 8-10 is respectfully requested.

2. Claim 4

Claim 4 recites receiving a second indication that the first communications device has moved outside of wireless communication range of the terminal, terminating the forwarding of calls to the second communications device in response to receipt of the second indication and forwarding calls intended for at least two of the communications devices to the first communications device in response to receipt of the second indication. The Final Office Action states that Holloway discloses this feature and points to paragraph 17 for support (Final Office Action – page 7). Appellants respectfully disagree.

Holloway discloses that when mobile phone 230 moves out of range of transmitter 220, mobile phone 230 transmits a request to remove the forwarding request (Holloway – paragraph 17). Holloway does not disclose or suggest forwarding any calls intended for other communications devices to mobile phone 230, in response to receipt of a signal indicating that mobile phone 230 is outside of wireless communication range of transmitter 220. Holloway further does not disclose forwarding calls intended for at least two of the communications devices to the mobile phone 230 in response to mobile phone 230 moving outside the range of transmitter 220, as would be required by claim 4 based on the alleged equivalence of mobile phone 230 to the claimed first communications device.

For at least these reasons, Appellants respectfully submit that the imposed rejection of claim 4 under 35 U.S.C. § 102 based on Holloway is improper. Accordingly, reversal of the rejection of claim 4 is respectfully requested.

3. Claims 11, 12, 13, 15 and 18-20

Claim 11 recites a system for managing a plurality of communications devices associated with a user, comprising: at least one processor configured to: receive user-defined preferences regarding handling of calls directed to each of the communications devices, store the user-defined preferences, receive an indication regarding wireless communications between a first communications device and a second communications device, and forward calls intended for at least two of the communications devices to a third communications device in response to receipt of the indication.

The Final Office Action states that Holloway discloses this latter feature and points to paragraphs 17 and 22 along with Fig. 2 for support (Final Office Action – page 9). Appellants respectfully disagree.

Similar to the discussion above with respect to claim 1, Holloway does not disclose or suggest forwarding calls intended for at least two of the communications devices to a third communications device in response to receipt of an indication regarding wireless communications between a first communications device and a second communications device, as required by claim 11.

For at least these reasons, Appellants respectfully submit that the rejection of claim 11 under 35 U.S.C. § 102 is improper. Accordingly, reversal of the rejection of claims 11, 12, 13,

15 and 18-20 is respectfully requested.

4. Claim 14

Claim 14 recites that the at least one processor is further configured to: receive a second indication that the first communications device has moved outside of wireless communication range of the second communications device, terminate the forwarding of calls intended for the at least two of the communications devices to the third communications device in response to receipt of the second indication, and forward calls intended for the at least two of the communications devices to the first communications device in response to receipt of the second indication.

Similar to the discussion above with respect to claim 4, Holloway does not disclose forwarding calls intended for any of the communications devices to the mobile phone 230 when mobile phone 230 is outside the range of transmitter. Holloway also clearly does not disclose forwarding calls intended for at least two of the communications devices to the mobile phone 230, as would be required by claim 14.

For at least these reasons, Appellants respectfully submit that the rejection of claim 14 under 35 U.S.C. § 102 is improper. Accordingly, reversal of the rejection of claim 14 is respectfully requested.

5. Claim 16

Claim 16 recites that the user defined preferences include a preference indicating that calls intended for at least the third communications device and a fourth communications device

are to be forwarded to the first communications device when the first communications device is not within wireless communication range of the second communications device. The Final Office Action states that Holloway discloses this feature and points to paragraph 17 for support (Final Office Action – pages 10-11). Appellants respectfully disagree.

As discussed above, Holloway at paragraph 17 discloses that when mobile phone 230 is no longer within range of transmitter 220, mobile phone 230 sends a request message to cellular system 230 to remove the forwarding request (Holloway – paragraph 17). Holloway does not disclose or suggest that calls intended for preferred phone 240 and another device are forwarded to mobile phone 230 after mobile phone 230 is outside the range of transmitter 220, as would be required by claim 16.

For at least these reasons, Appellants respectfully submit that the rejection of claim 16 under 35 U.S.C. § 102 is improper. Accordingly, reversal of the rejection of claim 16 is respectfully requested.

6. Claim 21

Claim 21 recites a system for managing calls directed to a plurality of communications devices associated with a user of a communications network that includes means for receiving user-defined preferences regarding handling of calls directed to the plurality of communications devices; means for receiving an indication regarding wireless communications between a first communications device and a second communications device; means for forwarding calls intended for at least two of the communications devices to a third communications device when the indication indicates that the first communications device is within range of the second

communications device; and means for forwarding calls intended for at least two of the communications devices to the first communications device when the indication indicates that the first communications device is not within range of the second communications device.

The Final Office Action states that Holloway discloses the two latter features and points to paragraphs 15-17 and 22 along with Fig. 2 for support (Final Office Action – page 12). Appellants respectfully disagree.

Similar to the discussion above with respect to claim 1, Holloway at paragraphs 15-17 and 22 discloses that when mobile phone 230 is within range of transmitter 220, calls to mobile phone 230 are forwarded to preferred phone 240. Holloway does not disclose or suggest means for forwarding calls intended for at least two of the communications devices to preferred phone 240, as would be required by claim 21 based on the alleged equivalence of the preferred phone 240 to the claimed third communications device.

In addition, similar to the discussion above with respect to claim 4, Holloway does not further disclose forwarding calls intended for at least two of the communications devices to the mobile phone 230 when mobile phone 230 is not within range of transmitter 220, as would be required by claim 21 based on the alleged equivalence of mobile phone 230 to the claimed first communications device.

For at least these reasons, Appellants respectfully submit that the rejection of claim 21 under 35 U.S.C. § 102 is improper. Accordingly, reversal of the rejection of claim 21 is respectfully requested.

7. Claim 22

Claim 22 recites a computer-readable medium containing instructions for performing a method for managing calls directed to one or more communications devices associated with a user of a communications network, comprising: receiving user-defined preferences regarding handling of calls directed to at least one of the communications devices; storing the user defined preferences; receiving an indication regarding wireless communications between a first communications device and a second communications device; forwarding calls intended for at least two of the communications devices to a third communications device when the indication indicates that the first communications device is within range of the second communications device.

The Final Office Action states that Holloway discloses the latter feature and points to paragraphs 17 and 22 along with Fig. 2 for support (Final Office Action – page 13). Appellants respectfully disagree.

Similar to the discussion above with respect to claim 1, Holloway does not disclose or suggest means for forwarding calls intended for at least two of the communications devices to preferred phone 240, as would be required by claim 22 based on the alleged equivalence of the preferred phone 240 to the claimed third communications device.

Claim 22 also recites forwarding calls intended for the third communications device to the first communications device when the indication indicates that the first communications device is not within range of the second communications device. The Final Office Action points to paragraphs 15-17 and 22 as allegedly disclosing this feature. Appellants respectfully disagree.

Holloway discloses that when mobile phone 230 moves out of the range of transmitter

220, call forwarding to preferred phone 240 is removed (Holloway – paragraph 17). Even if the turning off of call forwarding were interpreted to mean that calls intended for mobile phone 230 were now forwarded to mobile phone 230, as indicated in the Advisory Action (Advisory Action – continuation sheet, paragraph d), this would still not disclose this feature of claim 22.

That is, claim 22 recites forwarding calls intended for the third communications device to the first communications device when the first communications device is not within range of the second communications device. Based on the alleged equivalence of the mobile phone 230 of Holloway to the claimed first communications device and the preferred phone 240 to the claimed third communications device, the feature recited in claim 22 would require that calls intended for preferred phone 240 would be forwarded to mobile phone 230 when mobile phone 230 is not within the range of transmitter 220. Holloway clearly does not disclose forwarding calls from preferred phone 240 to mobile phone 230 when mobile phone 230 is outside the range of transmitter 220.

For at least these reasons, Appellants respectfully submit that the rejection of claim 22 under 35 U.S.C. § 102 based on Holloway is improper. Accordingly, reversal of the rejection of claim 22 is respectfully requested.

VIII. CONCLUSION

In view of the foregoing arguments, Appellants respectfully solicits the Honorable Board to reverse the Examiner's rejections of claims 1, 2, 4-6, 8-16 and 18-22. In addition, as Appellants' remarks with respect to the Examiner's rejections are sufficient to overcome the rejections, Appellants' silence as to assertions by the Examiner in the Final Office Action or Advisory Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art) is not a concession by Appellants that such assertions are accurate or such requirements have been met, and Appellants reserve the right to analyze and dispute such in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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IX. APPENDIX

1. A method for managing calls directed to a plurality of communications devices associated with a user, comprising:
 - receiving user-defined preferences regarding handling of calls directed to the plurality of communications devices;
 - storing the user-defined preferences;
 - receiving an indication that a first one of the communications devices has moved within wireless communication range of a terminal; and
 - forwarding calls intended for at least two of the communications devices to a second one of the communications devices in response to receipt of the indication and based on the user-defined preferences.
2. A method as recited in claim 1, wherein receiving an indication comprises receiving an indication using a protocol comprising one of Bluetooth, IEEE 802.11(b) or IEEE 802.11(g).
4. A method as recited in claim 1, further comprising:
 - receiving a second indication that the first communications device has moved outside of wireless communication range of the terminal; and
 - terminating the forwarding of calls to the second communications device in response to receipt of the second indication; and
 - forwarding calls intended for at least two of the communications devices to the first communications device in response to receipt of the second indication.

5. A method as recited in claim 1, further comprising:

receiving an indication that the first communications device has deactivated wireless communication with the terminal.

6. A method as recited in claim 1, wherein the user defined preferences include a preference regarding forwarding calls to the first communications device when the first communications device is not within wireless communication range of the terminal.

8. A method as recited in claim 1, wherein the user defined preferences include a preference regarding forwarding a notification regarding a call based on the received indication.

9. A method as recited in claim 8, further comprising:

receiving, in response to the notification, an instruction regarding handling of the call.

10. A method as recited in claim 9, wherein the instruction regarding handling of the call includes an instruction regarding forwarding the call to a user specified device.

11. A system for managing a plurality of communications devices associated with a user, comprising:

at least one processor configured to:

receive user-defined preferences regarding handling of calls directed to each of the communications devices,

store the user-defined preferences,
receive an indication regarding wireless communications between a first communications device and a second communications device, and
forward calls intended for at least two of the communications devices to a third communications device in response to receipt of the indication.

12. A system as recited in claim 11, wherein the at least one processor is configured to receive an indication regarding wireless communications using a protocol comprising at least one of Bluetooth, IEEE 802.11(b), or IEEE 802.11(g).

13. A system as recited in claim 11, wherein the indication indicates that the first communications device has moved within wireless communication range of the second communications device.

14. A system as recited in claim 11, wherein the at least one processor is further configured to:

receive a second indication that the first communications device has moved outside of wireless communication range of the second communications device,
terminate the forwarding of calls intended for the at least two of the communications devices to the third communications device in response to receipt of the second indication, and
forward calls intended for the at least two of the communications devices to the first communications device in response to receipt of the second indication.

15. A system as recited in claim 11, wherein the at least one processor is further configured to receive a second indication that the first communications device has deactivated wireless communication with the second communications device.

16. A system as recited in claim 11, wherein the user defined preferences include a preference indicating that calls intended for at least the third communications device and a fourth communications device are to be forwarded to the first communications device when the first communications device is not within wireless communication range of the second communications device.

18. A system as recited in claim 11, wherein the user defined preferences include a preference regarding forwarding a notification regarding a call based on whether the at least one processor receives an indication regarding wireless communications between the first communications device and the second communications device.

19. A system as recited in claim 18, wherein the at least one processor is further configured to:

receive, in response to the notification, an instruction regarding handling of the call.

20. A system as recited in claim 18, wherein the instruction regarding handling of the call includes an instruction regarding forwarding the call to a user specified device.

21. A system for managing calls directed to a plurality of communications devices associated with a user of a communications network, comprising:

means for receiving user-defined preferences regarding handling of calls directed to the plurality of communications devices;

means for receiving an indication regarding wireless communications between a first communications device and a second communications device;

means for forwarding calls intended for at least two of the communications devices to a third communications device when the indication indicates that the first communications device is within range of the second communications device; and

means for forwarding calls intended for at least two of the communications devices to the first communications device when the indication indicates that the first communications device is not within range of the second communications device.

22. A computer-readable medium containing instructions for performing a method for managing calls directed to one or more communications devices associated with a user of a communications network, comprising:

receiving user-defined preferences regarding handling of calls directed to at least one of the communications devices;

storing the user defined preferences;

receiving an indication regarding wireless communications between a first communications device and a second communications device;

forwarding calls intended for at least two of the communications devices to a third

communications device when the indication indicates that the first communications device is

within range of the second communications device; and

forwarding calls intended for the third communications device to the first communications device when the indication indicates that the first communications device is not within range of the second communications device.

X. EVIDENCE APPENDIX

None

XI. RELATED PROCEEDINGS APPENDIX

None